

REMARKS

Claims 1-23 were present in the application as filed. By a Preliminary Amendment filed on June 4, 2004, claims 10 and 23 were amended and claims 24-60 were added.

In a Non-Final Office Action dated November 19, 2004, the Examiner objected to Scheme I in the specification, rejected claims 21, 22, 52, and 54 under 35 U.S.C. §112, second paragraph, and allowed claims 1-20, 23-51, 53, and 55-60. In a Response dated May 18, 2005, Applicants cancelled claims 21, 51, and 52 without prejudice, amended claims 22 and 54, and amended Scheme I and Table 4 in the specification. In addition, Applicants deleted Table 2 from the specification.

On June 2, 2005, in an Examiner-Initiated Interview, Applicants agreed to cancel claim 53 by Examiner's Amendment and to change the dependency of claim 54 such that it would depend from claim 48 (instead of claim 53).

A Notice of Allowance was mailed on June 7, 2005. An Amendment under 37 C.F.R. 1.312(a) was filed on July 22, 2005 in which claim 50 was amended to correct an inadvertent typographical error. Issue Fee and Publication Fee were timely paid by Applicants on September 7, 2005.

Notice of Withdrawal from Issue under 37 C.F.R. 1.313(b) was mailed on September 9, 2005.

A new Non-Final Office Action was mailed on October 24, 2005. In it, allowability of claims 1-6 was withdrawn. Claims 1-4 were rejected under 35 USC § 103(a). Claims 5 and 6 were objected to as being dependent upon a rejected base claim. Claims 7-20, 22-50, and 54-60 were allowed. The Office Action additionally indicated that the Amendment under 37 C.F.R. 1.312(a), dated July 22, 2005, to claim 50 was not entered and re-presentation of this amendment was recommended.

Presently, claims 1-4, 6, and 50 are amended and claim 5 is cancelled without prejudice. No new matter has been added. The claims now pending in the application are: 1-4, 6-20, 22-50, and 53-60. The Examiner's rejections and objections are addressed below.

Re-Entry of Previous Amendment under 37 C.F.R. 1.312(a)

Per Examiner's suggestion, previously not entered amendment to claim 50 made under 37 C.F.R. 1.312(a) on July 22, 2005 is presently re-presented. This amendment corrects an inadvertent typographical error in dependence of claim 50.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4 under 35 USC § 103(a) as allegedly being unpatentable over Welch et al., *J. Medicinal Chemistry*, 27(11), pp. 1508-1515 (1984).

Without acceding to the propriety of this rejection, and for the purposes of expediting prosecution of the application, Applicants hereby amend claims 1-4 to incorporate limitations of the objected to claim 5. Therefore, withdrawal of this rejection is respectfully requested.

This amendment is made without prejudice to Applicants' rights to pursue subject matter of original claims 1-4 in one or more related application(s).

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 5 and 6 would be allowable if re-written so as not to depend on the rejected base claim.

Presently, claim 5 is cancelled and its subject matter is re-written in claims 1-4. Accordingly, claim 6 is amended to depend on claims 1-4 instead of on cancelled claim 5.

Claims 1-4 are also amended to include recitation of pharmaceutically acceptable salts. Support for such amendment can be found in the specification, for example in paragraphs 11, 39-40 of the specification.

Therefore, allowance of claims 1-4 and withdrawal of the objection to claim 6 are respectfully requested.

Allowed Claims

Applicants thank the Examiner for allowing claims 7-20, 22-50, and 54-60.

Conclusion

In view of the above remarks, reconsideration and further examination is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Edward Timmer, Applicants Attorney at (518) 452-5600 so that such issues may be resolved as expeditiously as possible.

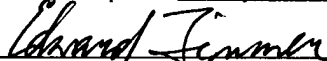
For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

CERTIFICATE OF MAILING

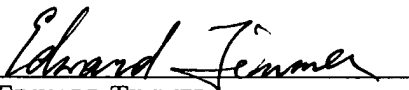
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Date of Deposit: January 24, 2006


EDWARD TIMMER

Respectfully submitted,



EDWARD TIMMER
Attorney for Applicant(s)
Registration No. 46,248

Dated: January 24, 2006

**HESLIN ROTHENBERG
FARLEY & MESITI, P.C.**
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579